

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA  
COURT FILE NO.: \_\_\_\_\_**

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Katelynn Hubbell,

Plaintiff,

v.

American Accounts & Advisors, Inc.,

Defendant.

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**COMPLAINT**

**WITH JURY TRIAL DEMANDED**

**JURISDICTION**

1. This action arises out of Defendant's violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq. ("FDCPA").
2. Jurisdiction of this Court arises under 28 U.S.C. § 1331 and pursuant to 15 U.S.C. § 1692k(d).
3. Venue lies in this Court pursuant to 28 U.S.C. § 1391(b)(2).

**PARTIES**

4. Plaintiff Katelynn Hubbell (hereinafter "Plaintiff"), is a natural person who resides in the City of Chanhassen, State of Minnesota, and is a "consumer" as that term is defined by 15 U.S.C. § 1692a(3).
5. Defendant American Accounts & Advisors, Inc. (hereinafter "Defendant AAA") is a business corporation organized under the laws of the State of Minnesota. Defendant AAA is a "debt collector" as defined by 15 U.S.C. § 1692a(6) because it regularly uses the mail to attempt to collect consumer debts. Defendant AAA regularly

attempts to collect debts from consumers in Minnesota. Defendant AAA's registered address for service of process in Minnesota is 7460 80<sup>th</sup> St S, Cottage Grove, Minnesota 55016.

### **FACTUAL ALLEGATIONS**

6. Sometime prior to February 2013, Plaintiff allegedly incurred a consumer debt, as that term is defined by 15 U.S.C. § 1692a(5), with Southdale Anesthesiologists, which was later sold, transferred, or assigned to Defendant for collection.
7. Defendant sent Plaintiff an initial communication dated January 10, 2013, attempting to collect the debt. (*See* attached Exhibit 1).
8. Defendant's initial communication stated that Plaintiff's alleged account had been sent to it for "PAYMENT IN FULL."
9. Then on or about February 14, 2013 Plaintiff received a collection letter from Defendant. (*See* attached Exhibit 2).
10. Exhibit 2 states as follows: "WE REGRET THAT THE ACTION NOW BEING TAKEN BECAME NECESSARY. WE HAD HOPED THAT WE MIGHT WORK THIS OUT ON A VOLUNTARY BASIS. APPARENTLY, THIS IS NOT POSSIBLE."
11. Defendant's communication (Exhibit 2) violates 15 U.S.C. §§ 1692e, 1692e(5), 1692e(10) and 1692f, as it misleads consumers, the language used is false, deceptive and causes consumers to believe that additional action is being taken against them, when in fact it is not.

12. Plaintiff called Defendant's office on or about February 28, 2013 and spoke with a collector who identified himself as "Amir" and who admitted that no "additional action nor any legal action was being taken" against Plaintiff.

**TRIAL BY JURY**

13. Plaintiff is entitled to and hereby respectfully demands a trial by jury. U.S. Const. amend. 7. Fed.R.Civ.P. 38.

**CAUSES OF ACTION**

**COUNT I.**

**VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT – 15**

**U.S.C. § 1692 et seq.**

14. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.
15. The foregoing acts and omissions of Defendant and its agents constitute numerous and multiple violations of the FDCPA including, but not limited to, each and every one of the above-cited provisions of the FDCPA, 15 U.S.C. § 1692 et seq., with respect to Plaintiff.
16. As a result of Defendant's violations of the FDCPA, Plaintiff is entitled to actual damages pursuant to 15 U.S.C. § 1692k(a)(1); statutory damages in an amount up to \$1,000.00 pursuant to 15 U.S.C. § 1692k(a)(2)(A); and reasonable attorney's fees and costs pursuant to 15 U.S.C. § 1692k(a)(3), from Defendant herein.

**PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff prays that judgment be entered against Defendant:

- For an award of actual damages pursuant to 15 U.S.C. § 1692k(a)(1) against Defendant and for Plaintiff;
- For an award of statutory damages of \$1,000.00 pursuant to 15 U.S.C. §1692k(a)(2)(A) against Defendant and for Plaintiff; and
- For an award of costs of litigation and reasonable attorney's fees pursuant to 15 U.S.C. § 1692k(a)(3) against Defendant and for Plaintiff.

Dated this 3rd day of May, 2013

Respectfully submitted,

By: s/Thomas J. Lyons Jr.  
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ATTORNEY FOR PLAINTIFF

## VERIFICATION OF COMPLAINT AND CERTIFICATION BY PLAINTIFF

[illegible]

I, Katelynn Hubbell, having first been duly sworn and upon oath, deposes and says as follows:

1. I am the Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorney and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification, or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this civil Complaint in good faith and solely for the purposes set forth in it.

s/Katelynn Hubbell  
Katelynn Hubbell

Subscribed and sworn to before me  
this 26 day of April, 2013.

s/Maya Catherine Horwath  
Notary Public